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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,920	08/07/2001	Peter Robert Foley	7942	1888

27752 7590 07/14/2004

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
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EXAMINER

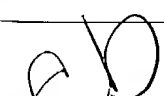
KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/890,920	Applicant(s) FOLEY, PETER ROBERT	
	Examiner Preeti Kumar	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13 and 15-26 is/are rejected.
- 7) ☒ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Non-Final Rejection after RCE

Response to Amendment

1. Claims 11-13 and 15-26 are pending.
2. The rejection of claims 11-13 and 15-26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Boskamp (US 4,462,922) is maintained for the reasons recited in the previous office actions and further stated below.
3. The rejection of claims 11-13 and 15-26 under 35 U.S.C. 103(a) as being unpatentable over Vinson et al. (US 6,069,122) is maintained for the reasons recited in the previous office actions and further stated below.
4. The amendment filed May 28, 2004 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: wherein said composition comprises less than 5% by weight of an antioxidant. Applicant's disclosure as filed does not provide support or basis for this language in the claims. Evidence is found on page 7,ln.5 of the specification where Applicant's disclose that it is preferred that the antioxidant be present in the composition from about 0.001% to about 5% by weight. Then in lines18-19, Applicant's have support for about 0.01% to about 0.7% and about 0.05% to about 0.2% of antioxidants. No support or basis for less than 5% by weight of

an antioxidant is found in the written disclosure. **Applicant is required to cancel the new matter in the reply to this Office Action.**

New Grounds of Rejection

Claim Objections

5. Claim 26 objected to because of the following informalities: Claim 26 is dependent on cancelled claim 14. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 11 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In the instant case, the subject matter encompasses the limitation of less than 5% by weight of an antioxidant is not described in the specification.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 11 and 15 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims 11 and 15 fail(s) to correspond in scope with that which applicant(s) regard

as the invention can be found in the specification. In that paper, applicant has stated that it is preferred that the antioxidant be present in the composition from about 0.001% to about 5% by weight. See page 7, lines 5-6. Then in lines 18-19, Applicant's have support for about 0.01% to about 0.7% and about 0.05% to about 0.2% of antioxidants. These statements indicate that the invention is different from what is defined in the claim(s) because the instant claims as amended recite the limitation of less than 5% by weight of an antioxidant.

Response to Arguments

10. Applicant's arguments filed March 19, 2004 and entered May 28, 2004 have been fully considered but they are not persuasive.

11. Applicant's urge that Boskamp and Vinson et al. do not teach the claimed process steps comprising step1) production of a premix containing less than 0.02% hydrogen peroxide and step2) adding amylase enzyme.

Specifically, Applicant's urge that Boskamp and Vinson et al. do not teach process step1 because Boskamp and Vinson et al. do not teach minimization of hydrogen peroxide in the premix by reducing to the maximum extent possible the amount of hydrogen peroxide in the component raw materials that form the premix and by adding antioxidants to the formed premix in order to reduce the levels of any residual hydrogen peroxide.

Specifically, Applicant's urge that Boskamp and Vinson et al. do not teach process step2 because Boskamp and Vinson et al. do not teach adding amylase

enzyme only after residual hydrogen peroxide levels are substantially reduced. See applicants arguments page 7, second paragraph.

12. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., minimization of hydrogen peroxide in the premix by reducing to the maximum extent possible the amount of hydrogen peroxide in the component raw materials that form the premix) are not recited in the rejected claim(s) and are not supported by the applicants specification. Support is found for adding antioxidants before the amylase enzymes. See page 7, lines 7-10 of Applicant's Specification. Contrary to applicant's argument, Boskamp teaches a polyfunctional amino compound, with boric acid or an alkalimetaborate and with an antioxidant to produce a synergistic enzyme-stabilizing effect, that is an effect which surmounts the sum-effect of each of the binary systems. Boskamp go on to teach that compositions comprising this stabilizing system may further comprise an enzyme thus, clearly providing motivation to one of ordinary skill in the art to add the enzyme to a composition already comprising an antioxidant See abstract and col.1, ln.2-40 and col.2,ln. 53-56. Also, Contrary to applicant's argument, Vinson et al. provide motivation to use of stabilizers such as antioxidants and chelants inhibit and/or prevent the formation of hydrogen peroxide impurities in the composition from the time of preparation to ultimate use by the consumer and beyond. See col.3, ln.35-col.4,ln.35.

13. Also, Applicant's urge that Boskamp does not teach the claimed amount of antioxidant of less than 5%. Note that Applicant's have no basis or support for this

amendment. Regardless, examiner notes that the unsupported amendment to the instant claims overlaps with the teaching of Boskamp. Thus, the teachings of Boskamp are sufficient to anticipate the material limitations of the instant claims. Alternatively, even if the broad teachings of Boskamp are not sufficient to anticipate the material limitations of the instant claims, it would have been obvious, to one of ordinary skill in the art, at the time the invention was made to formulate a liquid dishwashing detergent composition comprising the recited amount of antioxidant as recited by the instant claims, with a reasonable expectation of success, because the teachings of Boskamp suggest a liquid detergent composition comprising antioxidant encompassed in the range recited by the amended claims and furthermore provide motivation to modify the amount of polyfunctional amino compounds (analogous to the antioxidants recited by Applicant's specification). See col.2, ln.1-12.

Conclusion


14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Preeti Kumar
Examiner
Art Unit 1751

PK



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